



CENTER FOR CONSTITUTIONAL RIGHTS

UPDATE

VOLUME 1, NUMBER 2

Much has happened since you received the CCR's 1974 DOCKET REPORT. While it is not possible to go into great detail in this second issue of the CCR DOCKET UPDATE, we will attempt to fill you in on the major occurrences of the past several months. Of course, it goes without saying that the CCR's need for financial support is acute. We have enclosed a reply envelope for your convenience, and hope that you will contribute as much as you can today.

CAMBODIA

With all of the newspaper headlines about the continuing United States involvement in the Cambodian Civil War and the disputes over how much money President Ford will be allowed to spend to continue that involvement, one vital fact is being overlooked. Specifically, that there are eight statutory prohibitions in addition to constitutional prohibitions, making it illegal for the United States to interfere militarily in Cambodia at all! Yet with all of the arrogance that we have become accustomed to, the Administration is continuing its military direction, supervision and logistical support of the Lon Nol forces.

On January 31, 1975, CCR attorneys, representing twenty-one members of the United States Congress, filed suit in Federal District Court in Boston (*Drinan, et al. v. Ford, et al.*) against President Ford, Secretary of Defense Schlesinger, Secretary of State Kissinger, C.I.A. Director William Colby and others, seeking to enjoin any further interference, of any type, in Cambodia.

The government has filed a motion to dismiss the case, basing much of its argument for dismissal on the technical claim that the federal courts do not have the power to decide what the government holds

is a purely political question. Despite the legal absurdity of this position, (it is *precisely* the role of the federal courts to resolve disputes between Congress and the Executive) it reveals the government's strategy of desperately trying to avoid an evidentiary hearing or trial on the merits of our suit, which would involve the extensive presentation of evidence and testimony as to the specifics of the U.S. intervention.

On March 26th the District Court granted the government's motion to dismiss. CCR lawyers are now preparing to take an expedited appeal to the First Circuit.

WEINBERGER v. WIESENFELD

This case raised the issue of whether or not Social Security benefits were applicable only to women whose spouses die, or are equally applicable to widowers whose wives had worked and contributed to Social Security. CCR attorneys filed an *amicus curiae* brief in the Supreme Court, contending that the sex-based discrimination exemplified by the unequal treatment accorded widowers was unconstitutional. On March 19, 1975, the Supreme Court unanimously struck down the provision of the Social

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Security law extending survivors' benefits only to widow, but not to widowers.

BROOKLYN HOUSE OF DETENTION (Wallace v. Kern)

The ongoing saga of our battle to secure full constitutional rights for pre-trial detainees (see 1974 CCR DOCKET REPORT, case No. 45), which has seen major victories in Federal District Court overturned by the Second Circuit Court of Appeals, has once again yielded a crucial victory at the district court level.

The issue considered by Judge Orrin Judd was the question of bail, and the fact that the overwhelming majority of poor people have little or no chance of purchasing their freedom before trial. The bail system, in its application, is made especially inequitable by the fact that bail hearings usually last two or three minutes, rarely take relevant facts such as the defendant's roots in the community into consideration, and, once bail is set, offer minimal chances for bail reduction.

Judge Judd, in his opinion, granted plaintiffs' demand for special bail hearings at which the State must present evidence of the need for monetary bail and the reason why alternative conditions of release will not assure the defendant's return for trial, and where the defendant can present evidence to the contrary; that such hearings must be held on demand after 72 hours from the time of the original arraignment and at any other times as new evidence or changes in the facts may justify; that the defendant is entitled to a written statement of reasons for denying bail or fixing it at a particular figure, with failure to provide such reasons resulting in a new bail hearing; and that the State courts should create a plan whereby adequate facilities for lawyer-client interviews would be insured.

We are sure that the State will once again appeal Judge Judd's decision to the Second

Circuit, an act which is entirely consistent with its demonstrated desire to maintain the status quo, rather than to expend the administrative energy and responsibility required to provide justice to a class of people the law presumes to be innocent.

UNITED STATES v. ZIMMERMAN

This case, which arose out of the Wounded Knee Occupation, involved the charge of crossing state lines to incite a riot; specifically, that Dr. William Zimmerman and others air-lifted food and medicine to the sick and starving occupants of that symbolic town. (See 1974 CCR DOCKET REPORT, case No. 24.)

At first, the prosecution seemed anxious to try the case, but when CCR attorneys began filing a battery of pre-trial motions not only alleging such things as illegal wire-tapping and governmental misconduct, but challenging the constitutionality of the Riot Act itself, the government began seeking a plea bargain. The defendants and their attorneys refused to accept any deal that was offered, and reiterated their willingness to let twelve citizens decide the matter. In March, 1975, rather than take the case to trial, the government dropped all of the charges against the defendants.

PETITION TO DENY THE LICENSE RENEWAL OF WABC-TV

This case was filed with the Federal Communications Commission in May, 1972 (see 1974 CCR DOCKET REPORT, case No. 16). It was based on the systematically distorted image of women presented by the station, its discriminatory hiring practices and its failure to consult with women's groups as to women's programming. For two and a half years, the F.C.C. refused to rule on the petition one way or the other, thereby burying the issue within the vast

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DOCKET UPDATE a form letter that can be used to request your file.

We would like to be able to evaluate the level and character of the C.I.A.'s compliance with the Freedom of Information Act. Specifically, we are interested in the number of denials that files exist, the number of files that are returned with deletions or otherwise censored, and the number of

files that are returned uncensored (at least according to the C.I.A.). Of course, we'd also be interested in knowing from those of you that actually receive your files the types of information they contain. So, if you decide to ask for your file, please let us know what kind of response "Big Brother" gives you.

SAMPLE FORM LETTER

Mr. Angus MacLean Thuermer
Assistant Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Sir:

Pursuant to the Freedom of Information Act as amended, (5 U.S.C. 552) the undersigned hereby requests that you send to me any files your agency may have concerning me. I believe that I am one of the 10,000 Americans for whom you maintain files.

If, in complying with my request, you omit any information contained in my file(s), I request that you so inform me in your response and indicate the extent and specific reasons for the omission. I am prepared to pay reasonable costs for locating the requested file and reproducing it. However, as you know, the amended Act permits you to reduce or waive the fees if that "is in the public interest because furnishing the information can be considered as primarily benefiting the public." I believe that this request plainly fits that category and ask you to waive any fees.

As provided for in the amended Act, I expect to receive a reply within ten (10) working days.

Sincerely,